

Introduced by Senator Scott

February 12, 2003

An act to add Article 4.7 (commencing with Section 12089) to Chapter 1 of Title 2 of Part 4 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 190, as introduced, Scott. Firearms: chamber load indicators and magazine disconnect mechanisms.

Existing law generally regulates the transfer and possession of firearms. Existing law also requires that firearms dealers be licensed.

This bill would require that, effective January 1, 2005, all semiautomatic pistols manufactured in this state or imported into this state for sale include a chamber load indicator that indicates to a person who is unfamiliar with the operation of the semiautomatic pistol that a cartridge is in the firing chamber and, if the semiautomatic pistol has a detachable magazine, a magazine disconnect mechanism. This bill would also prohibit, effective January 1, 2005, a licensed firearms dealer from selling, leasing, or transferring a semiautomatic pistol manufactured after January 1, 2005, if it does not have a chamber load indicator and, if the semiautomatic pistol has a detachable magazine, a magazine disconnect mechanism. This bill would further provide for specified exemptions from these requirements.

This bill would provide that a violation would be punishable by a fine of \$1,000. A 2nd violation would be punishable by a fine of \$1,000 and would render a licensed manufacturer or a licensed California dealer ineligible to manufacture or sell firearms for 30 days in this state. A 3rd violation would render a licensed manufacturer or a licensed California dealer permanently ineligible to manufacture or sell firearms in this state.

By creating a new crime this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Article 4.7 (commencing with Section 12089) is added to Chapter 1 of Title 2 of Part 4 of the Penal Code, to read:

Article 4.7. Chamber Load Indicators and Magazine
Disconnect Mechanisms

12089. (a) Commencing January 1, 2005, no person in this state shall manufacture or cause to be manufactured, or import into the state for sale, a semiautomatic pistol that does not have a chamber load indicator and, if the semiautomatic pistol has a detachable magazine, a magazine disconnect mechanism.

(b) Commencing January 1, 2005, no person required to be licensed pursuant to Section 12071 shall sell, lease, or transfer any semiautomatic pistol manufactured after that date that does not have a chamber load indicator and, if the semiautomatic pistol has a detachable magazine, a magazine disconnect mechanism.

(c) As used in this article, “chamber load indicator” means a plainly visible device in a contrasting color that clearly indicates to a person who is unfamiliar with the operation of a semiautomatic pistol that a cartridge is in the firing chamber.

(d) As used in this article, a “magazine disconnect mechanism” means a mechanism that prevents a semiautomatic pistol from operating to strike the primer of ammunition in the firing chamber when a detachable magazine is not inserted in the semiautomatic pistol.

(e) As used in this article, a “semiautomatic pistol” means a pistol, as defined in subdivision (a) of Section 12001, the operating

1 mode of which uses the energy of the explosive in a fixed cartridge
2 to extract a fired cartridge and chamber a fresh cartridge with each
3 single pull of the trigger.

4 (f) A violation of this section is punishable by a fine of one
5 thousand dollars (\$1,000). On conviction for the second violation
6 of this section, the person shall be ineligible to manufacture, or the
7 licensed firearm dealer shall be ineligible to sell, firearms in this
8 state for 30 days, and shall be punished by a fine of one thousand
9 dollars (\$1,000). On the third violation of any of this section, a
10 firearm manufacturer shall be permanently ineligible to
11 manufacture firearms in this state. On the third violation of this
12 section, a licensed firearm dealer shall be permanently ineligible
13 to sell firearms in this state.

14 (g) This article shall not apply to any of the following:

15 (1) The importation, sale, or transfer of semiautomatic pistols
16 defined as curios or relics by Section 178.11 of Title 27 of the Code
17 of Federal Regulations.

18 (2) The importation for sale to, manufacture for, sale to, or
19 purchase of a semiautomatic pistol by any state, federal or local
20 agency, including the Department of Justice, police departments,
21 sheriffs' offices, any marshal's office, the Youth and Adult
22 Correctional Agency, the California Highway Patrol, any district
23 attorney's office, Department of Fish and Game, Department of
24 Parks and Recreation, and the military or naval forces of this state
25 or of the United States in which personnel are authorized to carry
26 and do carry a firearm in the course of their official duties for use
27 in the discharge of their official duties. Nor shall anything in this
28 section prohibit the possession of any semiautomatic pistol by
29 sworn members of these agencies, whether the sworn member is
30 on or off duty, or by an individual who is retired from service with
31 a law enforcement agency and who is not otherwise prohibited
32 from possessing a semiautomatic pistol upon his or her retirement.

33 (3) The sale, loan, or transfer of any semiautomatic pistol
34 pursuant to Section 12082 or 12084 in order to comply with
35 subdivision (d) of Section 12072.

36 (4) The sale, loan, or transfer of any semiautomatic pistol that
37 is exempt from the provisions of subdivision (d) of Section 12072
38 pursuant to Section 12078 if the sale, loan, or transfer complies
39 with the requirements of that exemption.

1 (5) The delivery of a semiautomatic pistol to a person licensed
2 pursuant to Section 12071 for service or repair of that
3 semiautomatic pistol.

4 (6) The return of a semiautomatic pistol by a person licensed
5 pursuant to Section 12071 to its owner where that semiautomatic
6 pistol was initially delivered to that licensee for the purpose of a
7 consignment sale or as collateral for a pawnbroker loan.

8 (7) The sale, loan, or transfer of any semiautomatic pistol that
9 is to be used solely as a prop during the course of a motion picture,
10 television, or video production by an authorized participant
11 therein in the course of making that production or event or by an
12 authorized employee or agent of the entity producing that
13 production or event.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

